

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

400X0211

HOUSE BILL NO. 1033

Introduced by: The Committee on Local Government at the request of the State Board of Elections

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning elections and
2 election petitions and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 12-1-3 be amended to read:

5 12-1-3. Terms used in this title mean:

6 (1) "Candidate," a person whose name is on the ballot or who is entitled to be on the
7 ballot to be voted upon for nomination or election at any election;

8 (2) "Election," any election held under the laws of this state;

9 (3) "Election officials," state and local officials charged with the duty of conducting
10 elections and the canvass of returns;

11 (4) "Elector," a person qualified to register as a voter, whether or not the person is
12 registered;

13 (4A) "Electronic pollbook," an electronic system containing both the registration list and
14 pollbook;

15 (5) "General election," the vote required to be taken in each voting precinct of the state



- 1 on the first Tuesday after the first Monday in November of each even-numbered year;
- 2 (6) "Party office," an office of a political party organization as distinct from a public
3 office;
- 4 (7) "Person in charge of an election," or "person charged with the conduct of an
5 election," the county auditor in all cases except local elections for a municipality,
6 school district, township, or other political subdivision, in which case it is the officer
7 having the position comparable to the auditor in that unit of government if not
8 specifically designated by law;
- 9 (8) "Petition," a form prescribed by the State Board of Elections, which contains the
10 question or candidacy being petitioned, the declaration of candidacy if required and
11 the verification of the circulator. If multiple sheets of paper are necessary to obtain
12 the required number of signatures, each sheet shall be self-contained and separately
13 verified by the circulator;
- 14 (9) "Petition circulator," a resident of the State of South Dakota who is at least eighteen
15 years of age who circulates nominating petitions or other petitions for the purpose of
16 placing candidates or issues on any election ballot;
- 17 (10) "Political party," a party whose candidate for Governor at the last preceding general
18 election at which a Governor was elected received at least two and one-half percent
19 of the total votes cast for Governor;
- 20 (10A) "Pollbook" or "poll list," a list containing in numerical order the names of all persons
21 voting at the election and type of ballot voted;
- 22 (10B) "Polling place," a designated place voters may go to vote;
- 23 (11) "Primary" or "primary election," an election held at which candidates are nominated
24 for public office;

(12) "Public office," an elected position in government;

(12A) "Registration list," a list of eligible voters;

(13) "Registered mail," does not include certified mail;

(14) "Registration officials," the county auditor and deputies and other persons authorized to assist in registration pursuant to chapter 12-4;

(14A) "Vote center," a polling place when the precinct has been defined as the entire jurisdiction and an electronic pollbook is utilized;

(15) "Voter," a person duly registered to vote or one who is performing the act of voting;

(16) "Independent (IND)" or "no party affiliation (NPA)," any voter who writes independent, I, Ind, the field is blank, no party affiliation, no party, no choice, nonpartisan, or line crossed off in the choice of party field on the voter registration form;

(17) "Independent candidate," notwithstanding the definition of independent as stated in this chapter, any registered voter regardless of party affiliation who declares to be an independent candidate for public office pursuant to this chapter;

(18) "Other," any voter who writes a political party not recognized in South Dakota in the choice of party field on the voter registration form.

Section 2. That § 12-1-13 be amended to read:

12-1-13. Within five business days after a nominating, initiative, or referendum petition is filed with the person in charge of the election, any interested person who has researched the signatures contained on the petition may file an affidavit stating that the petition contains deficiencies as to the number of signatures from persons who are eligible to sign the petition. The affidavit shall include an itemized listing of the specific deficiencies in question. Any challenge to the certification or rejection of a nominating petition for a primary election ~~made~~

1 ~~in shall be to the~~ circuit court ~~shall be commenced no later than the third Tuesday in March.~~

2 This action takes precedence over other cases in circuit court. Any party appealing the circuit
3 court order to the Supreme Court shall file a notice of appeal within ten days of the date of the
4 notice of the entry of the circuit court order. Any statewide initiated measure or referendum
5 petition may be challenged by any person pursuant to this section by submitting an affidavit as
6 set forth above within thirty days after the petition is filed with the person in charge of the
7 election.

8 Section 3. Whereas, this Act is necessary for the support of the state government and its
9 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
10 full force and effect from and after its passage and approval.